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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/22/2000

Mitchell Paul Tasman

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4581

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01/25/2006

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EXAMINER

MARCELO, MELVIN C

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,621

Applicant(s)

TASMAN ET AL.

Examiner

Melvin Marcelo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49, 52, 54, 58, 60, 63-75 and 79-92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-49, 52, 54, 63-75, 79 and 81-92 is/are allowed.
- 6) ☒ Claim(s) 58, 60 and 80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 58, 60 and 80 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 58 and 80 are directed to "data structures" representing descriptive materials embodied in a computer readable medium (see MPEP 2106 IV.B.1.(a), "*claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory [under 35 U.S.C. 101]*"). However, the claimed data structure must meet the definition of "data structure" --"*a physical or logical relationship among data elements, designed to support specific data manipulation functions*" (see MPEP 2106 IV. B. 1. citing the New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993)).

Claims 58, 60 and 80 are reproduced below.

Claim 58: *A mapping table maintained on a computer readable medium, said mapping table comprising a plurality of forwarding tables each of which includes routing data for a communications system having a plurality of nodes, said mapping table organized for selecting of a forwarding table from the plurality of forwarding tables based on a type-of-service indicator, wherein the mapping table is adapted for setting a subset of entries.*

Claim 60: *A mapping table according to claim 58, wherein the table is adapted for setting entries in the table by multiple routing managers.*

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Claim 80: A set of tables stored on a computer readable medium, the tables including a plurality of entries representing at least routing data, said set of tables organized to allow for selecting routing data and comprising:

at least some directly indexed data;

non-redundant entries; and

cascading tables which are directly linked.

In each of the claims, there is a question as to what is the data structure and what are the physical or logical relationship among the data elements, designed to support specific data manipulation functions. In claim 58, the data structure appears to be the "mapping table," wherein the data elements are "a plurality of forwarding tables." It is not apparent what is the physical or logical relationship among the "plurality of forwarding tables," i.e. how does one forwarding table relate to another forwarding table such that a specific data manipulation function is accomplished. The recited "mapping table comprising a plurality of forwarding tables" appears to be a mere compilation or arrangement of data of non-functional descriptive material--the forwarding table by itself provides no function. Further, the recited limitation of "said mapping table organized for selecting of a forwarding table from the plurality of forwarding tables based on a type-of-service indicator, wherein the mapping table is adapted for setting a subset of entries" appears to describe the arrangement of the data rather than the relationship between the data elements, forwarding tables, to support a specific data manipulation function. Claim 60 does not provide the necessary physical or logical relationship among the forwarding tables for supporting a specific data manipulation function.

In claim 80, the data structure appears to be the "set of tables," wherein the data elements are the "plurality of entries representing at least routing data... comprising at least some directly indexed data; non-redundant entries; and cascading tables which are directly linked." It is not apparent what is the physical or logical relationship among these entries such

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that a specific data manipulation function is accomplished. Again, the claim appears to be a mere compilation of arrangement of data of non-functional descriptive material--the entries provide no function.

Response to Arguments

3. Applicant's arguments filed 10-31-2005 have been fully considered but they are not persuasive. Applicant's argument that the set of tables is "organized to allow for selecting routing data" supports a specific data manipulation function is not persuasive since there is no recited physical or logical relationship between the set of tables to support the function. Instead, "organized to allow for selecting routing data" appears to be just an arrangement of the data rather than a specific function.

Allowable Subject Matter

4. Claims 1-49, 52, 54, 63-75, 79 and 81-92 are allowed.

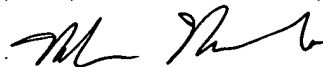
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Marcelo whose telephone number is 571-272-3125. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Melvin Marcelo
Primary Examiner
Art Unit 2662

January 23, 2006